

CEASE AND DESIST ORDER

Industry: **Big Ox Energy Siouxland, LLC**
Address: **1617 D Avenue**
Dakota City, NE 68731
IU Permit No.: **2016-31-I**

City of Sioux City, Iowa
Industrial Pretreatment Program

LEGAL AUTHORITY

The following findings are issued and ordered pursuant to the authority vested in the Utilities Director of the City of Sioux City, Iowa, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Sect. 5.7 of the City's Title 13 of the Sioux City Municipal Code "Sewers".

FINDINGS

1. **Big Ox Energy Siouxland** discharges nondomestic wastewater containing pollutants into the sanitary system of the City of Sioux City, Iowa (the "City").
2. **Big Ox Energy Siouxland** is a "Significant Industrial User" as defined by Ch 13.07.020 (24) of Title 13 of the Sioux City Municipal Code "Sewers".
3. **Big Ox Energy Siouxland** was issued a wastewater discharge permit on **May 1, 2016** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. **Big Ox Energy Siouxland** was issued a compliance order on June 29, 2018 which required appropriate operation of the pretreatment system to maintain loadings below **48,509 lbs/day** on a maximum daily basis within 5 days of issuance.
5. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **Big Ox Energy Siouxland**.
6. This data shows that **Big Ox Energy Siouxland** has violated the compliance order issued on June 29, 2018 per the following:
 - a. **TSS loadings exceeded on July 8 and July 9, 2018 with 141,000 and 51,000 lbs/day of TSS discharged, respectively.**
 - b. **This is a recurring violation which is interfering with the operation of the POTW** (reference the City's ERP, Table II.1) which authorizes termination in the event of a recurring violation of this nature.
 - c. As required per IU Permit 2016-31-I, notification of changed conditions did not occur related to these discharge events.
 - d. Failure to properly sample on July 6 and July 10 due to improper operation of the composite sampling station (did not switch out the carboys).
 - e. **These violations are in addition to those previously documented in the compliance order dated June 29, 2018.**

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, sewer service for Big Ox Energy Siouxland IS HEREBY SUSPENDED per City Code 13.07.110:


1. **Before 5 pm on July 18, 2018** cease all nondomestic discharges to the POTW. Such discharges shall not recommence until such time as **Big Ox Energy Siouxland** is able to demonstrate that it will comply with its current permit limits and comply with the compliance order dated June 29, 2018.
2. Failure to comply with this order may subject **Big Ox Energy Siouxland** to having its connection to the sanitary sewer sealed by the City and assessed the costs therefor.
3. Failure to comply with this order shall also constitute a further violation of Title 13 of the Sioux City Municipal Code "Sewers" and the City's Enforcement Response Plan for their Industrial Pretreatment Program and may subject **Big Ox Energy Siouxland** to civil or criminal penalties or such other enforcement response as may be appropriate.
4. Sioux City intends to monitor the collection system to confirm compliance with this Order.
5. Slug loadings and non-routine discharges of any kind are prohibited. Should a spill or slug loading occur, you are reminded that your Industrial User Permit requires immediate verbal notification of a spill, slug load, or non-routine discharge. This is to be followed by a written explanation within 24 hours of each incident.
6. Each day that **Big Ox Energy Siouxland** is out of compliance with any parameter a fine of **\$1,000 per day per parameter** will be assessed.
7. **Big Ox Energy Siouxland** is responsible for all notifications to entities which contribute waste to your facility.

Remedies for Recommencing Discharges:

1. **Big Ox Energy Siouxland** shall demonstrate capability to comply with all requirements of compliance order dated June 29, 2018 including payments of all past-due surcharges and fines.
2. A permit application and new permit will be required prior to commencing discharges to the POTW.
3. Once permit limits are defined, certification shall be submitted which includes an engineering report sealed by a PE that all pretreatment equipment is fully operational and capable of meeting the design loadings specified. Documentation will be required to demonstrate the design loading capacities are not exceeded for the pretreatment equipment which is installed and operational.

This order, entered this 13th day of July, 2018, shall be effective upon receipt by Big Ox Energy Siouxland.

SIGNATORY AUTHORIZATION


Mark Simms
Utilities Director, City of Sioux City, Iowa


Date of Authorization